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November 11, 2004

Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Re: **FEC Complaint, Ref # MUR 5538**

Dear Mr. Jordan:

The Gabbard for Congress campaign respectfully requests that the FEC dismiss the Achmat complaint. Mr. Achmat's complaint consists of nothing more than frivolous allegations designed to harm the Gabbard for Congress Campaign as well as Mr. Gabbard personally.

First, it is important to understand that Alex Achmat is a supporter of Mr. Gabbard's opponent, Rep. Ed Case. Mr. Gabbard challenged Rep. Case in this year's campaign for Congress, thus becoming any "enemy" in Mr. Achmat's mind.

Mr. Achmat has been waging a campaign of harassment and intimidation against Mike Gabbard and his supporters for months. He has approached his neighbors house-to-house, harassing residents whom he knew to be Gabbard supporters.

Dozens of Mr. Gabbard's supporters report that Mr. Achmat knocked on their doors and demanded that they remove pro-Gabbard campaign signs from their yards. In fact, Mr. Achmat was caught removing campaign signs from the yards of Gabbard supporters without their permission, and the county police department confiscated more than a dozen stolen signs from his home.

A police report was also filed against Mr. Achmat for harassing three female Gabbard supporters who were holding Gabbard campaign signs on the roadside. Mr. Achmat has also improperly used FEC filings to call several people who donated to the Gabbard for Congress campaign, harassing the donors and demanding to know their "religion."

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Making his intent and motive crystal clear, Mr. Achmat, immediately upon receiving notification of the FEC's receipt of his complaint, distributed the complaint to the media statewide. Subsequently, the local media reported that the Gabbard campaign was "under investigation" by the FEC for allegations of individuals being used as conduits to give money to the campaign. Obviously, this media story was damaging to the Gabbard campaign.

Mr. Achmat's complaint contains baseless allegations and is nothing more than a campaign smear attempt. Mr. Achmat's complaint is an offensive to our country's democratic principles and an attempt to intimidate people from becoming involved in the political process.

The Gabbard Campaign urges the Federal Election Commission to summarily dismiss Mr. Achmat's baseless complaint in its entirety and expeditiously, as the harm done by the filing and publicizing of this baseless complaint continues.

Please feel free to contact me if you need any further information.

Sincerely,

Randal S. Yoshida

RANDAL S. YOSHIDA

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RE: RESPONSE TO MUR5538

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I. Background

Before responding to the allegations contained in the Complaint, the Gabbard for Congress campaign would like to share some background and put the events in context.

Mike Gabbard has earned the respect of many in Hawaii—and the wrath of a tiny extremist minority—because of his leadership role in the fight to protect traditional marriage. Throughout the 1990s, Mr. Gabbard led the effort to place a constitutional amendment on the ballot, giving the people of Hawaii the opportunity to vote to overturn the Hawaii Supreme Court's 1993 legalization of same-sex marriage. Ever since 70% of Hawaii's people in 1998 voted in favor of traditional marriage and against same-sex marriage, extremist homosexual activists in Hawaii have hated Mike Gabbard and have done everything they can to damage his reputation.

These same people picketed the Gabbard family restaurant in Hawaii and harassed customers until finally, the Gabbards were forced to close their business. (See attached Exhibit A for copies of relevant newspaper articles.)

When Mr. Gabbard's wife, Carol Gabbard, ran for the Board of Education in 2000, these same people attacked Mrs. Gabbard, calling her a "hater" and filing frivolous campaign spending complaints against her. (Mrs. Gabbard was elected with more than 100,000 votes and the "spending violations" were dismissed by the state Campaign Spending Commission. See the Campaign Spending Commission's dismissal attached as Exhibit B.)

When the Gabbard's oldest daughter, Tulsi Gabbard Tamayo, ran for the State House of Representatives in 2002, the Gabbard opponents employed the same tactics. Despite their campaign of intimidation and lies, Tulsi was elected with 64% of the vote and became the youngest person ever elected to the Hawaii State Legislature. To this day, the president of the Parents and Friends of Lesbians and Gays and other extremists are trying to get Rep. Tamayo kicked out of the Democratic Party (for donating to her Republican dad's congressional campaign) despite the fact that she is a member of the Army National Guard and has volunteered to go to Iraq.

When Mike Gabbard ran for the Honolulu City Council in 2002, he had to overcome constant harassment and a complaint filed with the State Campaign Spending Commission by the president of the Hawaii Citizens for Separation of State and Church and homosexual extremists. These people called a press conference four days before the election to announce their fabricated complaint. Despite the predictable attacks, Gabbard was elected to the City Council with 62% of the vote. Fourteen weeks later, the state Campaign Spending Commission dismissed the complaint (see attached as Exhibit C).

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The equally baseless and frivolous complaint filed by Alex Achmat, to which the Gabbard Campaign is hereby responding, is but the latest in the on-going effort by atheists and homosexual activists to malign and damage Mike Gabbard and his family.

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I. RESPONSE TO ACHMAT'S COVER LETTER

The cover letter accompanying Achmat's frivolous complaint outlines three false and baseless allegations:

1. That Friends of Gabbard submitted false information on their FEC Form 3.
2. That Friends of Gabbard hid, obscured and camouflaged the full identities of contributors.
3. That the campaign used individuals as conduits to contribute money to the campaign.

All of Achmat's allegations are patently false and baseless fabrications unsupported by even a scintilla of evidence. His absurd complaint has already achieved the desired result, however, because Achmat succeeded in getting several news outlets in Hawaii to publicize his nonsensical allegations cloaked as an official "FEC investigation" a few days before the general election.

Mr. Achmat appears to have filed his complaint in response to a complaint filed against him by the Gabbard for Congress campaign with the Hawaii County Police Department for Mr. Achmat's theft of Gabbard campaign materials.

Mr. Achmat was caught stealing campaign signs from the Gabbard campaign and the campaign subsequently filed a complaint with the police department (Case # I-01984). Upon investigating the matter, the Hawaii County Police Department recovered more than a dozen Gabbard campaign signs from Mr. Achmat's home and referred the case to the Prosecutor's Office. (See copy of complaint attached as Exhibit D.)

A second police complaint (see attached as Exhibit E) was filed against Mr. Achmat on October 22, 2004, for harassing and intimidating four young women, who were holding Gabbard campaign signs on the roadside (police case number I-09689). Dozens of Gabbard supporters in the community where Mr. Achmat lives reported that Mr. Achmat knocked on their doors to voice preposterous lies about Mike Gabbard and demanded that they remove pro-Gabbard campaign signs from their yards.

Furthermore, statements made to local media illustrate that Mr. Achmat has such hatred of Mr. Gabbard that he has gone out of his way to damage Mr. Gabbard's reputation.

Mr. Achmat makes numerous unsubstantiated allegations in his complaint. For example, in his cover letter, Mr. Achmat claims that Gabbard was not running a grassroots campaign but instead was running a "thinly veiled advertising operation,

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funded by a very few people." Both assertions are baseless at best and just plain silly.

In the first place, it's patently absurd to accuse a candidate of pretending to run a grassroots campaign while in reality running a media campaign. Even if true, it would not violate any FEC rules or regulations.

Secondly, the assertion that the Gabbard campaign was "funded by a very few people" is a baseless fabrication created for the sole purpose of creating a foundation for Mr. Achmat's allegation that a handful of donors linked by some religious affiliation financed the Gabbard campaign. The reality is that over 850 individuals donated to the Gabbard for Congress campaign.

Since Mike Gabbard is extremely popular amongst fundamental Christians, Catholics, Mormons, Muslims, Hindus, and others who appreciate his leadership role in protecting traditional marriage, we presume that his financial support came primarily from such like-minded individuals. Since the Mike Gabbard campaign considers it a form of religious bigotry to be asking contributors what their religious affiliation is, we cannot say what percentage of the money may have come from Mormons, Evangelicals, Catholics, Hindus, etc., nor do we believe the FEC should be concerned with such religious profiling of contributors. In fact, we are appalled that those who engage in religious bigotry are able to use the FEC to further their hidden agendas.

In his cover letter, Mr. Achmat claims 3.2% of donors gave less than \$200, 95% were large donors (over \$200) and 45% were out-of-state donors/donations. This claim is simply false. *In reality, the facts concerned Gabbard campaign contributions are as follows:*

- *Over 800 (or 78%) of the contributions received by the campaign were \$200 or less.*
- *11% of contributors were from out of state*
- *26% of contributions received by the campaign were from out of state*

In his cover letter, Mr. Achmat also makes the false claim that the campaign only had 73 donors according to 091604 CampaignMoney.com. To the contrary, at that time, the Gabbard campaign had more than 700 donors.

In his cover letter, Mr. Achmat also notes that the Gabbard campaign received "multiple contributions from the same donor." That, of course, is the object of fundraising. It is common knowledge that well-run campaigns solicit repeat donors or repeat contributions from their donor database. The Gabbard campaign is no exception. In fact, we regret we didn't do as good a job of soliciting "multiple contributions from the same donor" as we should have.

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Mr. Achmat also claims there's a pattern of maximum and large donations to the Gabbard campaign. This also is false and misleading. Unfortunately, only 30 individuals (or 3.5% of campaign contributors) gave the maximum allowed contribution of \$4,000 total. NONE of the contributors to the Gabbard campaign gave over the legal limit.

Another false Achmat claim is that the employment occupation of many Gabbard donors was unverifiable. That's not true. The law requires the Gabbard campaign to make its best efforts to obtain information on employment and occupation for every donor who contributed in excess of \$200. The Gabbard campaign has done so in every instance.

We have received employment and occupation information from every person who donated in excess of \$200 to the Gabbard campaign. We have not failed to obtain such information from a single donor. All this information is reflected in Gabbard FEC Form 3 disclosures filed with the Commission.

In his cover letter, Mr. Achmat also makes the absurd claim that the FEC should view the Friends of Gabbard report with suspicion because many people of traditionally modest-paying occupations made "large" donations. In the first place, people such as a carpenter and an acupuncturist (two of the "modest" professions cited by Mr. Achmat) earn significant money in their professions.

More fundamentally, it is absurd for Mr. Achmat to say anyone—even a "housewife" with no "occupation" lacks the means to donate to a political campaign. For example, one of the "retired" donors that Mr. Achmat alleges lacks the means to donate to a political campaign is independently wealthy. Who is Mr. Achmat to say that someone has or does not have the means to make a political contribution?

The Gabbard Campaign has taken the initiative to provide MORE information than is required by the FEC. Provided herein is not only the contribution forms we requested from each donor, but also affidavits from every individual singled out in Mr. Achmat's complaint. (See Sections VII and VII of response)

Mr. Achmat also makes the meaningless and baseless claim that there's a pattern of relationship between donors with some having shared addresses, shared property ownership and employer/employee relationships. Upon reviewing donor information, the instances where shared addresses and shared property ownership occurred are situations where multiple members of the same family contributed to the Gabbard campaign. In Hawaii, where the median price of a "single family residence" exceeds \$500,000, it is the norm for several members of the same family to live at the same address (see Section VII for an affidavit from Jim Titcomb, whose wife and several grown children and their spouses live on the same property and all donated to the Gabbard campaign).

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Contrary to another of Mr. Achmat's allegations, the Gabbard campaign knows of no instance where an employer and an employee contributed to the campaign. There were no corporate contributors to the Gabbard campaign and therefore no employers contributed. In the rare instances of individuals working for the same company contributing to the campaign, these were legitimate, legal donations from co-workers who happened to both support Mike Gabbard. In all instances, they were family-owned and -operated businesses where multiple members of the same family gave to the campaign.

In his cover letter, Mr. Achmat makes the biggest leap of all in his quest to damage Mike Gabbard by creating the false impression that donors to Friends of Gabbard are members of a minority religion. In the first place, if such were true, it would not be illegal. Mr. Achmat may not like it, but in America, members of minority religions are free to be involved in the political process and donate to candidates of their choice.

Mr. Achmat's most absurd allegation that there is a "pattern of many donors with membership and/or affiliation to the minority religion, Chris Butler Krishna sect Science of Identity and its financial ties to businesses including Healing Noni Co. LLC, Noni Farms Hawaii, Dharma Farm, Affordable Hawaiian Properties, Noni Connection, Healthy's Inc, DBA – Down to Earth Natural Foods, and Bizcon."

Mr. Achmat's central allegation is preposterous.

- Not a single one of the businesses/organizations listed by Achmat has contributed to the Gabbard campaign.
- To our knowledge, none of these businesses is connected. For example, Healing Noni Co. LLC is an independently-owned and -operated company that doesn't even do business with Noni Connection. In the paranoid, conniving mind of Alex Achmat, just the fact that two or three of the Big Island's nearly 200 farmers of Noni (a tropical fruit sold for its healing qualities) contributed to the Gabbard campaign is proof that they are guilty of a conspiracy to contribute funds illegally to the campaign.

In his cover letter, Mr. Achmat refers to past allegations of "campaign finance irregularities" against Mike Gabbard and references a Honolulu Star Bulletin article published on 10-31-02. The FEC should be aware that Gabbard campaign has previously been targeted by other well-known atheists and homosexual extremists in the community and has had previous frivolous complaints filed against us with the Hawaii State Campaign Spending Commission. After investigation, every single one of these complaints was subsequently dismissed by the state Campaign Spending Commission. Unfortunately however, the people making the complaints had achieved their goal of creating negative publicity harmful to the Gabbard campaign.

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COMPLAINT PAGES 1 THROUGH 12, LISTINGS OF GABBARD CAMPAIGN DONORS.

- In his 74-page complaint, Mr. Achmat questions the employment and occupation of numerous Gabbard contributors. Enclosed with this complaint, in alphabetical order, are copies of forms completed almost every single contributor identified by Achmat. The forms contain the name, address, occupation, and employer for each contributor. Furthermore, the form completed by each contributor contains the following statement:

"I confirm that the following statements are true and accurate:

- 1. I'm a United States citizen or a permanent resident alien.*
- 2. I am making this contribution of my own funds, and not those of another.*
- 3. I am not a federal contractor.*
- 4. I'm making this contribution on my own personal check or credit card and not with a corporate or business credit card or a credit card issued to anyone else.*
- 5. I am at least 18 years of age."*

- The form also contains the signature of each donor.

- With its initial solicitation of campaign donations many months ago, the Gabbard for Congress Campaign requested every donor contributing in excess of \$200 to complete these forms. In nearly every instance, we have since received the signed forms and in every instance have relied faithfully and fully on the information provided by each donor in completing our FEC reports.

- Mr. Achmat has provided a printout to the FEC from a website called CampaignMoney.com of a listing of the Gabbard for Congress contributors as of September 15th 2004. For many contributors, Mr. Achmat has placed a number beside each contributor and a comment in a form of a question mark and underlining or some other handwritten note alleging some form of impropriety on behalf of the campaign.

For each of the donors appearing with a number beside his or her name in Mr. Achmat's complaint, the Campaign has provided their contribution forms attached to this response in alphabetical order (of the 87 donors listed below 6 forms have not yet been received by campaign). Included are the forms signed by each donor, initiated by the Campaign even though such forms are not required under FEC law.

1. Ellen C. Abrams. Mr. Achmat questions her employment. She is a self-employed sales representative for Breathe Easy Hawaii. (See contribution form attached.)
2. Anya Anthony, homemaker. (See contribution form attached.)

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3. Minerva Apurada of Virginia, World Bank executive secretary. (See contribution form attached)

4. Richard Bellord. Mr. Achmat questions whether Mr. Bellord is a self-employed consultant. (See contribution form attached.)

5. Mr. T. J. Bosgra. Mr. Achmat has questioned the contribution of T.J. Bosgra, who is a retired State Farm franchise owner and well-known local radio commentator. (See contribution form attached.)

6. Ron Boyer. (See contribution form attached.)

7. K.D. Bull. (See contribution form attached.)

8. Walter Cardinet. (See contribution form attached.)

9. Katherine Carino. (See contribution form attached.)

10. Edward Cervantes. (See contribution form attached.)

11. Patricia Compton (See contribution form attached.)

12. Rommel Cordeiro (See contribution form attached.)

13. Gulab Coumbis (See contribution form attached.)

14. Carol Gabbard. (See contribution form attached.)

15. Chris Harvey. (See contribution form attached.)

16. Josh Harvey. (See contribution form attached.)

17. Michael Harvey. (See contribution form attached.)

18. Allison Hoen. (See contribution form attached.)

19. Shalie Kibler. (See contribution form attached.)

20. Kent Lighter. (See contribution form attached.)

21. Richard Lowther. (See contribution form attached.)

22. C. L. McGuire. (See contribution form attached.)

23. Chi Min Muncie. (See contribution form attached.)

24. Stephen Osbourne. (See contribution form attached.)

25. Elsie Porter. (See contribution form attached.)

26. Sudama Ranson. (See contribution form attached.)

27. Ralph Roubique. (See contribution form attached) Mr. Achmat alleges Roubique should have a Kailua address. Roubique provided a Pahoa, Big Island address on his contribution form which the campaign relied upon. Upon contacting Mr. Roubique, the campaign discovered Roubique owns numerous properties spread across two islands. He listed his property where he was residing when he made the contribution to the campaign.

28. Fredrick Sands (See contribution form attached.)

29. Suzanne Sands. (See contribution form attached.)

30. Aaron Sherer. (See contribution form attached.)

31. Albert Shigemura. (See contribution form attached.)

32. Linda Smith. (See contribution form attached.)

33. Jesse Spencer. (See contribution form attached.)

34. Joyce Spencer. (See contribution form attached.)

35. Mark Stewart. (See contribution form attached.)

36. Jeffrey Stone. (Campaign still waiting to receive contribution form.)

37. Tulsi Gabbard Tamayo. (See contribution form attached.)

38. Chintamani Titcomb. (See contribution form attached.)

39. Allyson Weinberg. (See contribution form attached.)

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40. Terry White. (See contribution form attached.)
41. Simon Williams. (See contribution form attached.)
42. Leparis Young. (See contribution form attached.)
43. Celine Logan. (See contribution form attached.)
44. Vanessa Cordeiro. (See contribution form attached.).
45. Christine Bond. (See contribution form attached.)
46. Michael Bond. (See contribution form attached.)
47. Amanda Lowther. (See contribution form attached.)
48. Eduardo Tamayo. (See contribution form attached.)
49. Andy Smith. (See contribution form attached.)
50. Lydia Gleason. (See contribution form attached.)
51. James Titcomb. (See contribution form attached.)
52. Lawrence Olsen. (See contribution form attached.)
53. Devin Bull. (See contribution form attached.)
54. Rasika Gleason. (See contribution form attached.)
55. Tim Anthony. (See contribution form attached.)
56. Marlene Stewart. (See contribution form attached.)
57. Bernard Wilkinson. (See contribution form attached.)
58. Joe Tully. (See contribution form attached.)
59. Harry Acuna. (See contribution form attached.)
60. Todd Apo (See contribution form attached.)
61. Christine Camp (See contribution form attached.)
62. Phinaes Casady (See contribution form attached.)
63. Theo Coumbis (See contribution form attached.)
64. Telly Davis (See contribution form attached.)
65. Nancy Epperson (See contribution form attached.)
66. Foster Friess (See contribution form attached.)
67. Bhakti Gabbard (See contribution form attached.)
68. Mike Gabbard (See contribution form attached.)
69. Regan Hatch (See contribution form attached.)
70. Mike Hinchey (See contribution form attached.)
71. Steve Holk (See contribution form attached.)
72. Tosh Hosoda (See contribution form attached.)
73. Greg Johnson (See contribution form attached.)
74. Charles Jones (Campaign still waiting to receive contribution form.)
75. Kim Kandels (Campaign still waiting to receive contribution form.)
76. Rona McGuire (See contribution form attached.)
77. Andrew Mertz (See contribution form attached.)
78. Andrew Santoro (Campaign still waiting to receive contribution form.)
79. Harry Saunders (See contribution form attached.)
80. Carl Simons (Campaign still waiting to receive contribution form.)
81. Michael Sober (Campaign still waiting to receive contribution form.)
82. Pamela Taylor (See contribution form attached.)
83. Karen Victor (See contribution form attached.)
84. John Bishop (See contribution form attached.)
85. Donna Lay (See contribution form attached.)

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86. Carol Lent (See contribution form attached.)

87. Francis Martin (See contribution form attached.)

- On Page 9 of his complaint, Mr. Achmat makes a notation that a Gabbard for Congress donor, Richard Bellord, contributed \$2000 to a U.S. Senate race of Rick Reed in 1993. The relevance is a mystery. The Gabbard campaign has no knowledge of donors to Rick Reed's U.S. Senate campaign. Richard Bellord's contribution form is attached. Richard Bellord has not exceeded contribution limits to Gabbard's campaign.

- On Page 10 of Mr. Achmat's complaint, he makes another absurd statement that a Gabbard donor, Edward Cervantes, is engaged in "targeted advertising and marketing". Once again, we fail to see the relevance of Mr. Cervantes' employment. His contribution form is attached.

- On Page 10, Mr. Achmat makes numerous allegations that Gabbard campaign contributors, such as Robert and Alison Riggs (a married couple who contributed \$8000), Fredrick and Suzanne Sands (a married couple who contributed \$8000), Sarah and Richard Bellord (a married couple who contributed \$8000), have somehow broken FEC rules. Like every single one of Mr. Achmat's allegations, these are completely without merit. The Riggs, Sands, and Bellords—like all Gabbard donors—have provided the Gabbard campaign with their occupation and employer's name, along with written assurances that:

1. All funds contributed were their own money
2. No part of their donation was made with the funds of another

- On Page 11 of his complaint, Achmat has a handwritten notation "Retired? Senior with dollars." This is just another nonsensical allegation by Mr. Achmat that a person who is retired does not have money to contribute to a campaign. The contribution form of the "senior" in question is attached.

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II. COMPLAINT PART 1 BEGINNING ON PAGE 13.

(Please note: Affidavits are attached from the following individuals, in addition to their signed contribution forms.)

- The Gabbard Campaign responds to following allegations in Mr. Achmat's complaint:

- Page 14, Joe Tully:

1. Mr. Achmat alleges the Campaign failed to provide Joe Tully's middle initial. According to the FEC, the middle initial is not required.

2. The Gabbard campaign listed Joe Tully's occupation as pastor as this was the information initially provided verbally by Tully. The campaign subsequently received a signed contribution form from Tully listing his employer as True World Foods and his occupation as special projects director. After receipt of the updated information, the Gabbard campaign updated their records and amended our FEC filing. (See Tully affidavit in Section VI)

- Page 26, Linda P. Harvey

- Mr. Achmat claims the campaign tried to obscure the employer of Mrs. Linda P. Harvey. Mr. Achmat claims Linda P. Harvey is an officer of the Science of Identity Foundation. Like every other allegation in the Mr. Achmat complaint, this is false. There is a Linda J. Harvey who is an officer of Science of Identity Foundation. Linda J. Harvey did not donate to the Gabbard campaign.

- The Linda P. Harvey who did donate to the Gabbard campaign resides in Columbus, Ohio, and has nothing to do with the Science of Identity Foundation. As provided on Linda P. Harvey's attached contribution form, Linda P. Harvey describes her occupation as a homemaker. The campaign has accurately reported this on its FEC form 3. (See Harvey affidavit attached in Section VII)

- In his desperate attempt to find connections where none exist, Mr. Achmat over-reaches, claiming Linda P. Harvey from Ohio and the Linda J. Harvey who is an officer of Science of Identity Foundation and resides in California are one and the same person. Although Linda J. Harvey did not contribute to the Gabbard campaign, it would not have been illegal if she had. Just because someone may be a member of a minority religion doesn't make her a second class citizen. The Gabbard campaign strongly maintains that members of minority religions have just as much right to contribute to political campaigns as any other American, despite what Mr. Achmat and some others apparently believe.

- Mr. Achmat's complaint is so steeped in religious bigotry that it must be rejected by the Federal Election Commission. If the

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Commission fails to reject Mr. Achmat's complaint, then it will set a dangerous precedent. Such a precedent would have a chilling effect upon our democratic process. If potential donors believe they will be investigated by the FEC for their religious affiliations and beliefs, they will of course be less likely to participate in campaigns.

- At the root of his allegations is Mr. Achmat's contention that a member of a minority religion should not be allowed to donate to a political campaign. Mr. Achmat's discriminatory thesis is offensive on its face—made all the more offensive by its rampant inaccuracies and absurdities.

- Page 31, Josh T. Harvey.

- It is unclear exactly what Mr. Achmat is claiming with regard to Josh T. Harvey. The campaign has provided the Commission with Josh T. Harvey's contribution form and has accurately provided the Commission with Mr. Harvey's occupation and employer. (See attached affidavit at in Section VII)

- Achmat alleges that because Josh Harvey was the officer of a Hawaii organization "Oh My Gosh, Inc." that was involuntarily dissolved in 1990, the campaign has somehow not provided Josh Harvey's employer accurately. This is completely absurd and not based on fact.

- Achmat also alleges some kind of connection in contributions between Michael Harvey (owner of Healing Noni) and Josh Harvey. There is no connection to the contributions given by these individuals to campaign's knowledge.

- Because Josh Harvey resides in the same city as the business registration for Michael Harvey, Mr. Achmat is alleging some sort of impropriety. This is an absurd and frivolous allegation.

- Furthermore, Healing Noni is not a business registered in California but is actually registered in the State of Hawaii and according to the internet, Michael Harvey at some point operated out of California.

- Page 35, Michael D. Harvey

- Mr. Achmat claims Michael Harvey is not a sole proprietor of Healing Noni. The campaign has provided the Commission with the contribution form provided by Michael Harvey asserting that he is the sole proprietor of Healing Noni. Michael Harvey claims he is the sole legal owner and manager of Healing Noni Co. LLC. We have no reason to believe otherwise. (See affidavit at page in Section VII)

- Mr. Achmat falsely asserts that Healing Noni is a partnership between Michael Harvey and Allen Yoza. According to Michael Harvey and Allen Yoza, this is a completely false allegation.

- Mr. Achmat alleges that Mr. Harvey claims he owns farms on the Big Island but Mr. Achmat says there are no records of property listed

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to Michael D. Harvey. The campaign has no knowledge of farms owned or not owned by Michael Harvey, nor is it any of our business.

- Mr. Achmat is trying to claim that Allen Yoza is somehow connected to Michael D. Harvey because he has found websites on the internet where they allegedly conduct business together. Campaign has no knowledge of business dealings of Mr. Harvey and Mr. Yoza.

- Mr. Achmat further alleges that there is a property partnership between Ralph Roubique and Allen Yoza. The campaign can neither confirm nor deny such a partnership and assert that whether such a partnership exists or doesn't is not relevant.

- Page 43, Lydia Gleason

- Mr. Achmat claims the occupation and employer reported on FEC form 3 for contributor Lydia Gleason are false. Lydia Gleason's contribution form is attached. Once again, it's Mr. Achmat's allegation that is false. Mr. Achmat claims Research Center Hawaii is not listed as a business in Hawaii. In fact, it is. The campaign independently looked up the Research Center's state business registration (See Exhibit F) and discovered it was incorporated in Hawaii in 1975. In July, 2004, it underwent a name change to Responsive Caregivers of Hawaii, but employees still receive their checks in the name of Research Center Hawaii.

- Because Mr. Achmat found a reference on the internet concerning psychologist Lydia Gleason who was quoted some 20 years ago in a book entitled "Who Are You?" by Chris Butler, Mr. Achmat attempts to fabricate some aura of impropriety around Ms. Gleason's contribution to the Gabbard campaign. Mr. Achmat claims it is the same Lydia Gleason, but campaign has no knowledge of this.

- Mr. Achmat also points out that the mailing address for Lydia Gleason is the same used by the Dabull LLC. The non-sinister reason for this is that Ms. Gleason is the mother-in-law of Devin Bull and uses this address to receive her mail. (See affidavit in Section VII)

- Page 47, Rasika Gleason

- Mr. Achmat alleges that Rasika Gleason has not provided her principal job. The campaign has provided the Federal Election Commission with Rasika Gleason's contribution form verifying that she is employed by Castle Medical Center as a fitness instructor. Mr. Achmat has contacted Castle Medical Center regarding employment verification and Castle Medical Center has verified that Gleason is "on call" per DM status.

- Gleason asserts her primary occupation as stated is accurate. (See attached affidavit in Section VII)

- Mr. Achmat also claims that the mailing address used by Gleason is false or in some way suspicious. This is baseless. The campaign has provided Ms. Gleason's contribution form with Gleason's

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mailing address completed and signed. To claim that a family member's sharing of a mailing address with her mother or sister is suspicious or a violation is absurd.

- Page 49, Chris Harvey

- Ms. Achmat claims Chris Harvey has not provided campaign with principal mailing address. But the campaign has provided the Commission with the completed contribution form by Mr. Harvey containing his mailing address. Furthermore, to our knowledge, there is no requirement under FEC law that the Campaign provide the "principal" mailing address of the donor. It is our understanding that a mailing address satisfies the Commission's requirements.

- Mr. Achmat claims that because Mr. Harvey made a contribution at the beginning of March using a Kailua address and then received a reimbursement for \$295 to a different address for campaign materials on May 26 that somehow the campaign is trying to mislead the Commission. This is completely without merit. Chris Harvey contributed to the campaign while living in Kailua on Oahu and then, at a later date, moved to Makawao on Maui where he was living when the campaign sent him the subject reimbursement.

- Mr. Harvey's contribution form further describes his occupation as being a self-employed landscaper. Mr. Achmat would find wrongdoing in the fact that donor Sudama Ransom has the same occupation and Makawao address as Mr. Harvey. Mr. Achmat's is simply stretching the truth and creating facts that simply do not exist. The Gabbard Campaign provided the Commission with Sudama Ransom's completed contribution form listing his mailing address, occupation and employer. (See attached affidavit in Section VII)

- Page 53, Alison Riggs

- Mr. Achmat alleges Ms. Riggs failed to provide Commission with her middle initial. Again, there is no requirement under FEC law for a contributor or campaign treasurer to disclose their middle initial on the statement of organization or the FEC form 3. This allegation by Mr. Achmat is completely without merit.

- Alison Riggs and her husband Robert Riggs both contributed \$4,000 to the campaign from their own personal funds. Attached are their contribution forms.

- Furthermore, in attempting to provide evidence to the Commission of this so-called allegation, Mr. Achmat contradicts himself. He says the campaign failed to list a middle initial of Riggs, but if the Commission would refer to FEC Form 1, the statement of organization, the signature of the treasurer contains the middle initial "E". (See attached Exhibit G and affidavit in Section VII)

- Page 58, Mrs. K. D. Bull

○ Mr. Achmat alleges Mrs. Bull failed to list name in full. The Gabbard Campaign provided the Commission with Bull's contribution form where Mrs. Bull provided the initials "K.D." Bull. The Campaign subsequently provided the full first name of Bull, "Kunti" and has updated the FEC form 3 filings. K.D. is Mrs. Bull's nickname.

○ Mr. Achmat alleges that Mrs. Bull omitted the name of her employer, but K.D. Bull is self-employed, along with her husband Devin Bull in a family business called D.A. Bull LLC, which is wholly owned by Mr. and Mrs. Bull.

○ Mr. Achmat alleges that Mrs. Bull used the same mailing address as Lydia Gleason and Rasika Gleason. There are no rules against this. K.D. and Rasika are sisters and Lydia Gleason is their mother. (See attached affidavit in Section VII)

• Page 59, Devin Bull

Mr. Achmat alleges name of employer was omitted. Name of employer is D.A. Bull LLC, which is a sole proprietorship. The campaign has relied on Mr. Bull's description of employer and occupation from his attached contribution form. (See attached affidavit in Section VII)

• Page 65, C. L. McGuire

○ Mr. Achmat claims the campaign failed to disclose the full identity of Ms. McGuire. Enclosed is Ms. McGuire's contribution form where she provided the campaign with her name as C.L. McGuire. The Gabbard Campaign relied upon the contribution form in completing FEC form 3. The campaign has subsequently updated the FEC Form 3 with McGuire's full first name, Chaitanya.

○ Mr. Achmat claims that the occupation listed by Ms. McGuire is false. Ms. McGuire listed her occupation as "secretarial service". Simply because Mr. Achmat cannot find such a service listed in the phone directory, he alleges that McGuire has provided a false employer and occupation to the campaign. The campaign has contacted Ms. McGuire and found out she has had secretarial service business listed in Hawaii County since June, 2002. (A copy of the business registration is attached Exhibit H. See affidavit in Section VII)

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III. COMPLAINT PART 2.

- Mr. Achmat alleges that because some Gabbard campaign contributors from the Big Island reside in the areas of Keaau and Pahoa, the contributions are suspect because in Mr. Achmat's reasoning, Keaau and Pahoa are "economically strapped" areas. This is an absurd allegation.

In the first place, the Keaau-Pahoa area is large—encompassing some 500 square miles—and is noted for its economic diversity. Even more importantly, Mr. Achmat has no idea of the sources of wealth of individuals residing the area, nor of their income. Mr. Achmat's contention that none of the residents of these areas can afford to make political donations underscores the absurdity of his entire complaint. The vast majority of area residents are owners of real property and are gainfully employed. Even if it were true that the contributors from these areas are not as wealthy, people have the right to prioritize how they spend their money.

- Mr. Achmat also questions the \$1,000 contribution by Greg Johnson. Mr. Johnson provided his occupation and employment to the Campaign as being a self employed farmer and owns a 10-acre parcel in Pahoa worth well in excess of \$500,000.

- For Mr. Achmat to make blanket statements about the capability of the people of the Big Island to donate is ludicrous at best and offensive at worst.

- Mr. Achmat's continued references to the "Science of Identity, Krishna sect associations, property ownership and business connections" is an obvious attempt to impugn the name of the Science of Identity Foundation with which Mr. Achmat obviously has deep philosophical differences. Whatever theological disagreements Mr. Achmat may have with the Science of Identity Foundation are irrelevant to the Gabbard campaign. The Gabbard campaign has never received and has no intention of knowingly accepting a contribution from the Science of Identity Foundation or any IRS 501(c)(3) entity.

- Mr. Achmat alleges that the Commission should be concerned about Gabbard contributors who are not "related" yet share property ownership. To our knowledge, there is no requirement that donors who share property must be "related." Furthermore, Mr. Achmat provides no evidence as to the ownership of property by individuals who are not related. The Campaign has no knowledge of this.

- Mr. Achmat makes the unfounded allegation that there are Gabbard campaign contributors with "obscured employer and employee relationships making large donations". This is another instance, among many, where the Gabbard campaign really does not know what Mr. Achmat is talking about. The Campaign has seen no evidence of "obscured employer and employee relationships making large donations." Such a vague allegation is difficult to respond to. Information that the Campaign possesses does not show any

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attempt by any contributors to "obscure employee relationships." In fact, from a careful review of the information obtained from donors, the Gabbard campaign cannot discern any indication of employer-employee relationships. So the Campaign does not know what Mr. Achmat is addressing.

- Mr. Achmat makes the unfounded allegation that contributors who share the same address, or contributors who have multiple addresses are somehow transgressing FEC laws. To our understanding, there are no laws prohibiting a contributor from having the same mailing address as another contributor. In any instances of a shared address by two or more contributors that the campaign is aware of, they exist where two members of the same family have contributed to the campaign. Furthermore, contributors are not required to provide to the campaign every single mailing address they may have. They're not even required to provide a primary mailing address. They are simply required to provide a mailing address. The campaign has relied upon mailing addresses provided to them by contributors and has accurately completed FEC Form 3 accordingly.

- Mr. Achmat alleges that there are significant numbers of "unverifiable employments and occupations of campaign donors." The Gabbard Campaign has used its best efforts to obtain signed contribution forms for all donors contributing over \$200. Although FEC law does not require campaigns do this, the Gabbard campaign has tried to go above and beyond to validate information for all contributions in excess of \$200. The Campaign has updated FEC Form 3 whenever we obtained information beyond that provided in the campaign contribution form.

- Mr. Achmat's allegation that FEC laws have been violated because there have been few contributions from most Big Island towns even though campaign signs were put up in most communities, is so illogical and nonsensical that it's difficult to respond. Please find attached Exhibit I a geographical breakdown of contributors from the Big Island showing that Mr. Achmat's allegation is not only illogical but also false. 74 donors (58%) of the 128 Big Island contributors to the campaign are from the Big Island population centers of Hilo and Kailua-Kona. The remaining 54 donors are spread out around the island in 19 different communities.

Even if the Gabbard campaign received 100% of its contributions from the Pahoa region, it wouldn't be breaking any FEC rules or regulations. Receiving donations from a particular geographical area or from people with a certain religion belief is not a violation of any FEC rules or regulations.

- On pages 71-74, Mr. Achmat lists campaign donors under different sections in an attempt to somehow establish some "pattern" amongst donors. Again, Mr. Achmat is simply engaging unfounded speculation and conjecture. The Gabbard campaign provided the FEC with contribution forms for every donor

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listed on pages 71-74 wherein donors have provided the campaign with their full name, mailing address, occupation and employer and a statement stating:

"I confirm that the following statements are true and accurate:

- 1. I'm a United States citizen or a permanent resident alien.*
- 2. I am making this contribution of my own funds and not those of another.*
- 3. I am not a federal contractor.*
- 4. I'm making this contribution on my own personal cheque or credit card and not with a corporate or business credit card or a credit card issued to anyone else.*
- 5. I'm at least 18 years of age."*

• The campaign further responds to Mr. Achmat's allegations contained on pages 71 through 74.

1. Mr. Achmat would have the Commission accept that because Robert Riggs and Alison Riggs were both employed by the City and County of Honolulu and worked in Mr. Gabbard's city council office, they were prohibited from donating to the Gabbard campaign. This, of course, is nonsense. The FEC laws do not prohibit a city employee from contributing to the candidate for federal office.

2. Mr. Achmat further alleges that because Robert Riggs was previously employed by Down to Earth as a spokesman several years ago that somehow FEC laws are being violated. Again, Mr. Achmat argument is frivolous. Mr. Riggs' past and present employment are irrelevant.

3. Mr. Achmat alleges that because Sandy Ferguson's employer, Bizcon Consulting, is owned by Mark Ferguson, who is a CEO of Healthy's Inc., that somehow FEC laws have been broken. This is completely baseless. Sandy Fergusson's contribution form is attached.

4. Mr. Achmat claims that because donor Mike Hinchey shares the same mailing address as Karen Victor, FEC laws has been broken. This is false and absurd. Victor and Hinchey are married, husband and wife.

5. Mr. Achmat alleges that because three individuals who have contributed to the Gabbard campaign are "self-employed photographers" some FEC law has been violated. Again, this allegation is absurd. The Gabbard campaign has provided the Commission with contribution forms completed by each of these individuals asserting their occupation and employment.

6. Mr. Achmat alleges that because several Gabbard donors are retired, some law has been violated. Mr. Achmat has no idea of the sources of wealth or assets of retired individuals. His accusations are patently ridiculous and based not on fact but wild speculation.

7. Mr. Achmat claims that because contributors Ellen Abrams and Regan Hatch are both "sales representatives" (employed by different companies), there's a connection between their contributions. Again, this allegation is absurd.

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8. Mr. Achmat alleges that because Joe Tully has some connection with the Unification Church, his contribution should be questioned. The Gabbard campaign has not received and does not intend to knowingly accept any contributions from the Unification Church or any other IRS 501(c)(3) entity. Mr. Achmat alleges that because campaign contributors Ralph Roubique and Celine Logan share the same mailing address that somehow FEC laws have been broken. This is absurd. Mr. Roubique and Ms. Logan live together.

9. Mr. Achmat alleges that because Gabbard donors C.L. McGuire, Rona McGuire, James McGuire and Gulab Coumbis share the same mailing address that somehow FEC laws have been broken. Gulab Coumbis and C.L. McGuire are both daughters of Rona and James McGuire.

10. Mr. Achmat alleges that because Paho residents Steven Osbourne, a self-employed carpenter, and Greg and Kathy Johnson, farmers, contributed to the Gabbard campaign that some FEC law has been broken. Of course, this is nonsense. Carpentry and farming can both be lucrative occupations and again Mr. Achmat has no idea of the sources of wealth of these individuals, nor of the income people make. For example, Greg and Kathy Johnson own a farm valued at more than \$500,000.

11. Mr. Achmat claims there's a suspicious pattern of donations on the island of Hawaii and lists the contributors by town. Attached Exhibit I is a table listing the towns and number of contributors per town. There is no surprise pattern. Most contributors are from the population centers of Hilo and Kailua-Kona.

12. Mr. Achmat claims that because Alan Yoza owns a farm in the same area as other Gabbard donors that some FEC laws have been broken. This is obviously absurd. It is legal for people of the same community to give contributions.

13. Mr. Achmat states at page 35 of his Complaint, "Harvey has no property holdings in Hawaii County." Gabbard campaign has made no assertions that Mr. Harvey has property holdings in Hawaii County. Furthermore, upon contacting Mr. Harvey, the campaign discovered this is incorrect. Mr. Harvey does in fact own real property in Hawaii County. And the bottom line is, so what? All of Achmat's allegations are without merit.

14. Mr. Achmat claims at page 35 that because Alan Yoza and campaign donor Mr. Roubique share ownership of a property in Kailua, somehow FEC laws have been broken. There is no FEC law prohibiting the shared real property ownership between campaign donors.

15. Mr. Achmat alleges that \$10,000 in aggregate has been given to the Gabbard campaign by contributors with the last name Harvey. There is absolutely no evidence to support unlawful conduct. The campaign contributions were given independently by donors of the last name Harvey. In the first place, it is the Campaign's understanding that it

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is not illegal for members of the same extended family to give contributions to candidates as long as the money is their own. Furthermore, not all the people whose surnames are listed as "Harvey" who gave to the Gabbard campaign were from the same family. Sharing the same last name is not a violation of FEC or any other laws to our knowledge.

16. Similarly, Mr. Achmat alleges that the Titcomb family made an aggregate contribution to date of \$8,500. Again, there are no FEC laws prohibiting members of a same family from contributing to a campaign as long as the funds are the individual's own money. The campaign has provided the FEC with contribution forms from each member of the Titcomb family as well as all of the other donors wherein each donor asserts that the funds were their own.

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VI. Conclusion:

The Complaint is based upon unsubstantiated and baseless allegations, which are intended to damage the good reputation of a Congressional candidate. The Federal Election Commission should not tolerate such unscrupulous conduct from a supporter of the opposing camp.

Therefore, the Gabbard for Congress campaign respectfully requests that the Complaint in the above matter be summarily dismissed in its entirety.

Further, the Gabbard Campaign respectfully urges the Commission to dismiss this frivolous Complaint expeditiously because the harm done by the filing and publicizing of the Complaint continues as those wishing to harm Mike Gabbard exploit its existence.

We look forward to your response.

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